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NFIPM Section 28 (U) Undercover Operations

Section 28-01 (U) Undercover Operations

A. (U) The Attorney General Guidelines for National Security Investigations (NSIG) permit the FBI to conduct undercover operations during the course of preliminary or full investigations. The NSIG, however, do not provide guidance as to how such undercover operations should be conducted. While there are Attorney General Guidelines which pertain to undercover operations in support of FBI criminal investigations, they are not controlling with respect to FBI NFIP undercover operations. Field Offices should contact the Undercover Program Managers of the Counterintelligence Division or Counterterrorism Division (as appropriate) for current policy and procedure regarding National Security Undercover Operations.

B. (U) Undercover operations involve FBI employees who engage in relationships with investigative targets over extended periods of time while concealing their employment with the FBI. If there have been [redacted] and the emphasis shifts from target of opportunity to priority target, and the field office wishes to continue these contacts, a Group I undercover proposal must be approved by FBI Headquarters or a Group II proposal by the SAC.

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1. Employees in Undercover operations are administered [redacted]

[redacted] They are not, however, subject to periodic evaluations.

2. Undercover operations require Case Agents as well as undercover employees. Undercover employees should generally not serve in the case agent capacity, in order that impartial perspectives on targets and operations may be provided.

C. (U) The following activities are not undercover operations: lookouts; physical surveillances; double agents; pretext interviews; [redacted]

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[redacted] and contacts with targets of opportunity, using [redacted]

[redacted] when continued contact is not anticipated.

(U) D. [redacted] Undercover operations may only be employed within the context of appropriately authorized [redacted]

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F. (U) Undercover operations which do not progress towards their declared objectives within suitable periods of time should be redirected at alternate targets, or terminated.

G. (U) Undercover operations are categorized as either Group I or Group II.

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Section 28-02 (U) Group I

A. (U) Group I Operations involve sensitive circumstances [redacted]

1. Sensitive circumstances are invoked when the following types of persons and organizations are the targets of undercover operations [redacted]

2. Sensitive circumstances are also invoked when undercover employees engage in the following types of activities [redacted]

3. Finally, sensitive circumstances are invoked whenever FBI undercover operations involve [redacted]

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(U) E. [redacted] authorizations for Group I Undercover operations may be authorized for [redacted]

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1. Requests for extensions must be submitted six weeks prior to expiration dates; set forth the current initiation and termination dates; and again address all the factors which are set forth above to also include: accomplishments thus far, new [redacted] objectives, expenditures and requested budget and any stipulations previously applied to the Group I.

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Section 28-03 (U) Group II

A. (U) Group II Undercover operations are authorized [redacted]

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C. (U) As is the case with Group I undercover operations, authorizations for Group II undercover operations are for [redacted]

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Section 28-04 (U) Undercover Administrative Matters

A. (U) All undercover operations must be assigned codewords, and they must be utilized in all communications concerning them (including initial proposals). The captions of initial undercover operation proposals should adhere to the following format:

"Codeword"

FCI- or IT-

Undercover Proposal

B. (U) Undercover employee [redacted] are established merely for administrative purposes, in order to support employee activities. Therefore, expenditures in connection with undercover operations do not derive from [redacted] funding. Rather, expenditures associated with NFIP undercover operations must be charged to [redacted] using their substantive case file numbers. See: Confidential Funding Guide, Section 8.3.6.

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1. However, payments [redacted] in connection with undercover operations, or who work exclusively in support of undercover operations must be made from [redacted] funds, rather than [redacted] funds.

2. Field supervisors are responsible for the accountability of funds used in undercover operations. See: Confidential Funding Guide, generally.

C. (U) All undercover operations require periodic submissions [redacted]

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D. (U) With respect to otherwise illegal activities which, in connection with undercover operations, may be engaged in, see, generally: Section 2-24, supra.

[redacted] must be approved, in advance, by the SAC. [redacted] appropriate officials of those agencies must be advised of this fact, unless the undercover operation would be

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jeopardized by doing so [redacted] must be made at the FBI Headquarters level.

[redacted] the National Security Undercover Review Committee must review and approve the matter before any other authorizations are sought.

3. [redacted] However, every effort should be made to discuss the matter with an SAC beforehand, and to suitably advise FBI Headquarters.

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[redacted] In such events, reports concerning the activities engaged in must be made to the SAC, and the SAC must submit full reports to FBI Headquarters.

b) The foregoing notwithstanding [redacted] under such circumstances must be reported to FBI Headquarters as soon as possible after the events.

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4. [redacted] this must also be reported to FBI Headquarters as soon as possible after the fact.

5. As set forth in the 1988 Attorney General Procedure For Reporting And Use of Information Concerning Violations Of Law And Authorization For Participation In Otherwise Illegal Activities In FBI Foreign Intelligence, Counterintelligence Or International Terrorism Intelligence Investigations, authorization to engage in otherwise illegal activity must be approved in advance by the SAC and, in most cases by the appropriate Department of Justice official. The National Security Law Branch should be consulted prior to seeking authorization for otherwise illegal activity.

E. (U) Both the CD and CTD Undercover Coordinators maintain a list of personnel who have indicated an interest in participating in undercover activities; and the identities of all personnel who are being considered for undercover assignments, along with their qualifications, must be supplied to FBI Headquarters. Potential candidates for undercover assignments should be evaluated on the basis of the following criteria:

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[redacted]

G. (U) Certain activities within the contexts of undercover operations may also require additional authorization; e.g.,

1. UDP. See Section 27-27, *supra*.
2. Director and Attorney General authorization to deposit appropriated funds or earned income into financial institutions; use appropriated funds to lease space; establish a proprietary; and use earned income to offset operational expenses.

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